

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:10-00187

ROBERT BUTTERWORTH

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On June 22, 2016, the United States of America appeared by John J. Frail, Assistant United States Attorney, and the defendant, Robert Butterworth, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Joseph Black. The defendant commenced a twenty-three month term of supervised release in this action on December 11, 2015, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on July 6, 2015.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on December 21, 2015, for morphine, oxycodone and oxymorphone; and a positive urine specimen submitted by him on May 23, 2016, for opiates and marijuana, the defendant having admitted to the probation officer that he consumed marijuana and heroin that same date; (2) the defendant failed to file monthly reports for the months of January, February, March, April and May, 2016; and (3) the defendant failed to abide by the special condition that he spend a period of six months in a community confinement center inasmuch as he entered the program on December 11, 2015, and was discharged on December 23, 2015, for unaccountability and absented himself from supervision rendering his whereabouts unknown until his arrest on May 21, 2016; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

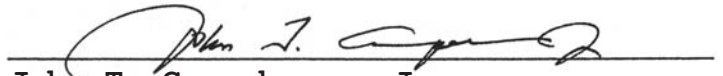
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant not be designated to FCI Gilmer.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 5, 2016


John T. Copenhaver, Jr.
United States District Judge